

1 **ELECTION AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Daniel McCay**

5 Senate Sponsor: \_\_\_\_\_

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7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions of the Election Code relating to a regular primary election.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ shortens the period of time for filing a notice of intent to gather signatures to qualify  
13 for placement on the regular primary election ballot.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 This bill provides a special effective date.

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **20A-9-408**, as last amended by Laws of Utah 2017, Chapter 91

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22 *Be it enacted by the Legislature of the state of Utah:*

23 Section 1. Section **20A-9-408** is amended to read:

24 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**  
25 **political party.**

26 (1) This section describes the requirements for a member of a qualified political party  
27 who is seeking the nomination of the qualified political party for an elective office through the



28 signature-gathering process described in this section.

29 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of  
30 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
31 the nomination of, the qualified political party under this section shall be substantially as  
32 described in Section 20A-9-408.5.

33 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection  
34 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the  
35 nomination of the qualified political party for an elective office that is to be filled at the next  
36 general election shall:

37 (a) within the period beginning on [~~January 1 before the next regular general election~~  
38 ~~and ending on the third Thursday in March~~] the first business day in January of an  
39 even-numbered year and ending on the fifth business day in January of the same year, and  
40 before gathering signatures under this section, file with the filing officer on a form approved by  
41 the lieutenant governor a notice of intent to gather signatures for candidacy that includes:

42 (i) the name of the member who will attempt to become a candidate for a registered  
43 political party under this section;

44 (ii) the name of the registered political party for which the member is seeking  
45 nomination;

46 (iii) the office for which the member is seeking to become a candidate;

47 (iv) the address and telephone number of the member; and

48 (v) other information required by the lieutenant governor;

49 (b) file a declaration of candidacy, in person, with the filing officer on or after the  
50 second Friday in March and before 5 p.m. on the third Thursday in March before the next  
51 regular general election; and

52 (c) pay the filing fee.

53 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political  
54 party who, under this section, is seeking the nomination of the qualified political party for the  
55 office of district attorney within a multicounty prosecution district that is to be filled at the next  
56 general election shall:

57 (a) [~~on or after January 1 before the next regular general election, and before gathering~~  
58 ~~signatures under this section~~] within the period beginning on the first business day in January

59 of an even-numbered year and ending on the fifth business day in January of the same year, file  
60 with the filing officer on a form approved by the lieutenant governor a notice of intent to gather  
61 signatures for candidacy that includes:

62 (i) the name of the member who will attempt to become a candidate for a registered  
63 political party under this section;

64 (ii) the name of the registered political party for which the member is seeking  
65 nomination;

66 (iii) the office for which the member is seeking to become a candidate;

67 (iv) the address and telephone number of the member; and

68 (v) other information required by the lieutenant governor;

69 (b) file a declaration of candidacy, in person, with the filing officer on or after the  
70 second Friday in March and before 5 p.m. on the third Thursday in March before the next  
71 regular general election; and

72 (c) pay the filing fee.

73 (5) Notwithstanding Subsection [20A-9-202\(3\)\(a\)\(iii\)](#), a lieutenant governor candidate  
74 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
75 political party, under this section, for the office of governor shall, on or before 5 p.m. on the  
76 first Monday after the third Saturday in April, file a declaration of candidacy and submit a letter  
77 from the candidate for governor that names the lieutenant governor candidate as a joint-ticket  
78 running mate.

79 (6) The lieutenant governor shall ensure that the certification described in Subsection  
80 [20A-9-701\(1\)](#) also includes the name of each candidate nominated by a qualified political party  
81 under this section.

82 (7) Notwithstanding Subsection [20A-9-701\(2\)](#), the ballot shall, for each candidate who  
83 is nominated by a qualified political party under this section, designate the qualified political  
84 party that nominated the candidate.

85 (8) A member of a qualified political party may seek the nomination of the qualified  
86 political party for an elective office by:

87 (a) complying with the requirements described in this section; and

88 (b) collecting signatures, on a form approved by the lieutenant governor, during the  
89 period beginning on [~~January 1~~] the first business day in January of an even-numbered year and

90 ending 14 days before the day on which the qualified political party's convention for the office  
91 is held, in the following amounts:

92 (i) for a statewide race, 28,000 signatures of registered voters in the state who are  
93 permitted by the qualified political party to vote for the qualified political party's candidates in  
94 a primary election;

95 (ii) for a congressional district race, 7,000 signatures of registered voters who are  
96 residents of the congressional district and are permitted by the qualified political party to vote  
97 for the qualified political party's candidates in a primary election;

98 (iii) for a state Senate district race, 2,000 signatures of registered voters who are  
99 residents of the state Senate district and are permitted by the qualified political party to vote for  
100 the qualified political party's candidates in a primary election;

101 (iv) for a state House district race, 1,000 signatures of registered voters who are  
102 residents of the state House district and are permitted by the qualified political party to vote for  
103 the qualified political party's candidates in a primary election;

104 (v) for a State Board of Education race, the lesser of:

105 (A) 2,000 signatures of registered voters who are residents of the State Board of  
106 Education district and are permitted by the qualified political party to vote for the qualified  
107 political party's candidates in a primary election; or

108 (B) 3% of the registered voters of the qualified political party who are residents of the  
109 applicable State Board of Education district; and

110 (vi) for a county office race, signatures of 3% of the registered voters who are residents  
111 of the area permitted to vote for the county office and are permitted by the qualified political  
112 party to vote for the qualified political party's candidates in a primary election.

113 (9) (a) In order for a member of the qualified political party to qualify as a candidate  
114 for the qualified political party's nomination for an elective office under this section, the  
115 member shall:

116 (i) collect the signatures on a form approved by the lieutenant governor, using the same  
117 circulation and verification requirements described in Sections [20A-7-204](#) and [20A-7-205](#); and

118 (ii) submit the signatures to the election officer no later than 14 days before the day on  
119 which the qualified political party holds its convention to select candidates, for the elective  
120 office, for the qualified political party's nomination.

121 (b) An individual may not gather signatures under this section until after the individual  
122 files a notice of intent to gather signatures for candidacy described in this section.

123 (c) An individual who files a notice of intent to gather signatures for candidacy,  
124 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files  
125 the notice of intent to gather signatures for candidacy:

126 (i) required to comply with the reporting requirements that a candidate for office is  
127 required to comply with; and

128 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that  
129 apply to a candidate for office in relation to the reporting requirements described in Subsection  
130 (9)(c)(i).

131 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the  
132 election officer shall, no later than one day before the day on which the qualified political party  
133 holds the convention to select a nominee for the elective office to which the signature packets  
134 relate:

135 (i) check the name of each individual who completes the verification for a signature  
136 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

137 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a  
138 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

139 (iii) determine whether each signer is a registered voter who is qualified to sign the  
140 petition, using the same method, described in Section [20A-7-206.3](#), used to verify a signature  
141 on a petition;

142 (iv) certify whether each name is that of a registered voter who is qualified to sign the  
143 signature packet; and

144 (v) notify the qualified political party and the lieutenant governor of the name of each  
145 member of the qualified political party who qualifies as a nominee of the qualified political  
146 party, under this section, for the elective office to which the convention relates.

147 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in  
148 this section, the lieutenant governor shall post the notice of intent to gather signatures for  
149 candidacy on the lieutenant governor's website in the same location that the lieutenant governor  
150 posts a declaration of candidacy.

151 Section 2. **Effective date.**

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This bill takes effect on January 1, 2019.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**